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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,882	11/16/2001	Gil Gavriel Dukiewicz	051448.0204	1063
7590 03/07/2006			EXAMINER	
David A. Blumenthal FOLEY & LARDNER Suite 3500 2029 Century Park East Los Angeles, CA 90067-3021			SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/992,882	Applicant(s) DUKIEWICZ ET AL.	
	Examiner Jason P. Salce	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,17-24,50,51,54-62 and 65-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14,17-24,50,51,54-62 and 65-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2005 has been entered.

Response to Arguments

Applicant's arguments filed 12/19/2005 have been fully considered but they are not persuasive.

Applicant's sole argument is that Van Thong does not disclose "rundown data". The examiner disagrees and notes that the Applicant's definition of rundown data on Page 13 of Applicant's specification, which states, "The production data of Figure 4 comprises "rundown" data that provides a duration and ending time of individual segments within a news broadcast. The rundown data of Figure 4 is derived from the script data, with the timing for each segment of the program being calculated using an average read rate that is specific to the person reading the script for that segment. The rundown data of Figure 4 is one example of rundown data that may be derived from script data, and in alternative forms the rundown data may include any other information from the script data". In other words, rundown data represents the timing (as well as

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many other types of data) of a scene when spoken words in a television program will occur. Van Thong teaches the exact same type of data in the form of audio timing data. Note Column 3, Lines 25-32 for the module that creates the audio timing data 21 according to an actor in a television program speaking and Column 4, Lines 35-39 for the device that accepts the rundown data (audio timing data 21) and aligns the text data accordingly. Therefore, the audio timing data 21 clearly represents "rundown data" as broadly defined by Applicant's specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5, 7-14, 17, 19-24, 50-51, 54-62 and 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of Henmi et al. (U.S. Patent No. 5,390,027).

Referring to claim 1, Van Thong discloses a obtaining script data and rundown data for a television program prior to broadcast of the television program (see Column 4, Lines 50-52 for the Time Event Tracker Module 23 accepting script data (text input 25) and rundown data (time-stamped audio 21)).

Van Thong also discloses processing the script data and the rundown data to define individual segments of the television program prior to broadcast of the program

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(see Column 4, Lines 52-54 for processing the script and rundown data).

Van Thong also discloses determining identifiers for each of the segments of the television program (see Column 5, Lines 24-27).

Van Thong also discloses creating closed caption data for the television program from the script data (see Column 5, Lines 36-39), the closed caption data comprising text data corresponding to beginnings of each of the individual segments of the television program (see Column 6, Lines 4-52), the timing data that corresponds to a segments comprising an identifier of the corresponding segment (see Column 5, Lines 48-51).

Although Van Thong discloses the process of creating the closed caption discussed above, Van Thong fails to disclose a television system to insert the closed captions and transmitting the closed captions to a television receiver.

Henmi discloses transmitting closed captioning data including the timing data to receivers of the television program concurrently with broadcasting of the television program (see Column 5, Line 64 through Column 6, Line 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the closed captioning system, as taught by Van Thong, to include the transmission of the broadcast signal including closed captioning data, for the purpose of allowing a user to record a program from the closed caption information transmitted in an incoming television signal (see Column 1, Lines 19-22 of Henmi).

Claim 2 corresponds to claim 1, where Henmi discloses that the timing data also contains an end time (see Figure 1b).

Claim 5 corresponds to claim 1, where Henmi discloses providing synchronized transmission of the closed caption data and programming events (see “sync data” in Figure 2b and Column 1, Lines 36-45).

Claim 7 corresponds to claim 1, where Henmi discloses storing the programming events and the closed caption data on a storage medium (see Column 8, Lines 11-18 for storing programming events, such as recording a program and closed caption data (program table data)).

Claim 8 corresponds to claim 1, where Henmi discloses a recording reservation option (identifier), which determines an amount of time by which the identifier precedes the beginning of the programming event (see “Second Flag for Recording Reservation” in Figure 1b and Column 8, Lines 19-22). By using this identifier it is inherent that an amount of time is determined before the program will be recorded, otherwise the system cannot know when the program should be recorded.

Claim 9 corresponds to claim 1, where Henmi discloses that synchronization (timing) data is inserted before other data in the VBI (see Column 1, Lines 36-45).

Claim 10 corresponds to claim 1, where Henmi discloses that the text broadcast data is transmitted in the vertical blanking interval, which is hidden data in a video signal (Column 1, Lines 36-38).

Claim 11 corresponds to claim 1, where Henmi discloses that the timing data is accompanied by a timing data marker (see start or end time in Figure 1b).

Claim 12 corresponds to claim 1, where Henmi discloses that the timing data is encrypted (see Column 14, Lines 11-13 for disclosing an encoded (encrypted) transmission-format).

Referring to claims 13-14 and 17 and 19-24, see rejection of claims 1-2, 5 and 7-12, respectively.

Referring to claims 50-51, see rejection of claims 1-2 respectively. The examiner notes that “determining programming events within a program” and “determining identifiers of the programming events” are equivalent to the single limitation of “determining identifiers of individual programming events within the program”.

Referring to claims 54 and 55, see rejection of claim 10.

Referring to claims 56-58, see rejection of claims 7-9, respectively.

Referring to claims 59-60, see rejection of claims 11-12, respectively.

Referring to claims 61-62 and 65-71, see rejection of claims 50-51 and 54-60, respectively.

3. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of Henmi et al. (U.S. Patent No. 5,390,027) in further view of Shriver (U.S. Patent No. 6,290,359).

Referring to claim 6, Van Thong and Henmi teach all the limitations in claims 1 and 5, and also teach a display (element 122 of Figure 8 in Henmi). Both inventors fail to disclose that the teleprompter is used to a person who appears in a video program as

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a reader of the text (for example a newscaster or a person giving a speech at the academy awards using a teleprompter).

Shriver teaches using a teleprompter to display to a person being filmed by a camera (therefore, being viewed by others on a television program) his/her script (see Column 7, Lines 21-31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the displays of Van Thong and Henmi, using the teleprompter, as taught by Shriver, for the purpose of helping an actor or actress remember his/her lines for the play he/she is performing.

Conclusion

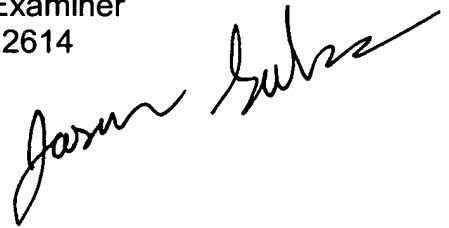
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
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A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

March 1, 2006